

**Pillars of Brick and Mortar.**—An outgoing tenant has no right to remove pillars of brick and mortar built on a dairy floor to hold pans, although such pillars are not let into the ground. *Leach v. Thomas*, 7 Car. & P. 328, per *Poteson, J.*

**Shrubs, &c.**—Nor can a tenant (not a gardener) remove shrubs, flowers, &c. planted by him in a garden. *Empson v. Sodden*, 4 B. & Ad. 655.

**Bookcase, &c.**—A. bequeathed his leasehold messuage, with the grates, stoves, copper, locks, bolts, keys, &c. and other fixtures and fixed furniture, to G. for life; and the household goods, furniture, plate, linen, china, books, wine, and liquors, and other properties in the messuage not being comprehended under the preceding terms, fixtures and fixed furniture, to G. absolutely. There were in the messuage looking-glasses standing on chimney-pieces and nailed to the wall, and a bookcase standing on (but not fastened to) brackets, screwed to the wall. It was held that G. took only a life interest in them. *Birch v. Dawynn*, 4 N. & M. 22; 2 Ad. & E. 37; 6 Car. and P. 658.

**Conservatories.**—In *Buckland v. Butterfield*, 4 Moore, 440, it was held that pineries and conservatories were not removable by a tenant. The judgment of Chief Justice *Dallas* being a very important one, and the case itself being considered a leading authority on this class of fixtures, it is better to set it out at length.

It was an action on the case, tried before Mr. Baron *Grakins* at the last assizes at Aylesbury. The question in the case, as far as related to the motion before the Court, was, whether a conservatory affixed to the house, in the manner specified in the report,\* was so affixed as to be an annexation to the freehold, and to make the removal of it waste? In the argument and judgment of the Court of King's Bench, in *Elwes v. Maw*, will be found at length all that can relate to this and other cases of a similar description. It is not necessary to go into the distinctions there pointed out, as they relate to different classes of persons, or to the subject-matter itself of the inquiry. Nothing will here depend on the relation in which the parties stood to each other, or to the distinction between trade and agriculture; for this is merely the case of an ornamental building, constructed by the party for his pleasure, and the question of annexation arises on the facts reported to us; and I say the facts reported, because every case of this sort must depend on its own special and peculiar circumstances. On the one hand, it is clear that many things of an ornamental nature may be in a degree fixed, and yet during the term may be removed; and, on the other hand, it is equally clear that there may be that sort of fixing or annexation which, though the building or thing annexed may have been merely for ornament, will yet make the removal of it waste. The general rule is, that where a lessee, having annexed a personal chattel to the freehold during his term, afterwards takes it away, it is waste. In the progress of time this rule has been relaxed, and many exceptions have been grafted upon it. One has been in favour of matters of ornament,—as ornamental chimney-pieces, pier-glasses, hangings, wainscot fixed only by screws, and the like. Of all these, it is to be observed that they are exceptions only, and therefore, though to be fairly considered, not to be extended; and with respect to one subject in particular, namely, wainscot, Lord *Hardwicke* treated it as a very strong case. Passing over all that relates to trade and agriculture, as not being connected with the present subject, it will be only necessary to advert, as bearing upon it, to the doctrine of Lord *Kenyon*, in *Pentan v. Robart*, referred to at the bar. The case itself was that of a building for the purpose of trade, and consequently standing upon a different ground from the present; but it has been cited for the dictum of Lord *Kenyon*, which seems to treat of greenhouses and hothouses erected by great gardeners and nurserymen as not to be considered as annexed to the

freehold. Even if the law were so, which it is not necessary to examine, still, for obvious reasons, such a case would not be similar to the present; but in *Elwes v. Maw*, speaking of this dictum, Lord *Ellenborough* said, "There exists no decided case, and, I believe, no recognized opinion or practice, on either side of Westminster-hall, to warrant such an extension." Allowing, then, that matters of ornament may or may not be removable, and that whether so or not must depend on the particular case, we are of opinion that no case has ever extended the right to remove, nearly so far as it would be extended, if such right were to be established in the present instance, under the facts of the report, to which it will be sufficient to refer; and therefore we agree with the learned judge in thinking that the building in question must be considered as annexed to the freehold, and that, consequently, the removal of it would be waste.

Any injury, however, which would occur in removing fixtures must be made good by the party severing, and he must leave the premises in all respects as he found them, whether the fixtures be set up for trade or domestic purpose. See *Foley & Addenbrooke*, 13 M. & W. 199.

#### BAD EFFECTS OF THE BRICK DUTIES.

THE following statement in respect of the brick duties has been made by "The Financial Reform Association."—The duty on bricks was 2s. 6d. per thousand when first imposed, in 1784, but was increased at different periods, from 1794 and 1806, in aid of the war expenditure, to 5s. 10d. per thousand. Additions have been made, higher rates levied on the finer kinds of brick, and drawbacks allowed for damages, which make the present duty to stand at, or near to, 7s. per thousand. Though this be a considerable addition to the price of a cottage containing 15,000, or to an ordinary street house, containing 50,000 bricks, the evil operation of the tax is not seen in the enhanced cost of the house. To avoid the enhancement of cost price, the house is, in many essential parts, weakened, by the absence of bricks which should be used to give it solidity. But the evil influence of the tax is more apparent when examined at the brickfield, where the article is in process of manufacture. There, a certain mould of legal size must be invariably used. A builder might come and say he was desirous of bricks of different sizes, that he might build a house better apportioned, as to strength and solidity, in its different parts; but the exciseman says, "Not so; the law has settled the size of bricks, and the quality too." The builder may rejoinder, "Is my experience in the construction of dwellings, and churches, and railway arches, to go for nothing? Has the world learned nothing since 1784?" The exciseman says, "Railway arches might not be known in 1784; but the law of that time has ruled what kind of bricks you are to build them of."

Next, there are the makers of the bricks. In the neighbourhood of large towns the excisemen visit the brickfields pretty regularly, to take account of the work done, perhaps once a day; but in remoter places they cannot do so, unless there were an exciseman appointed to each place of work. For this reason, villagers or farmers, who would make their own bricks to build their own houses, must not do so, because they have not an exciseman living beside them. They must send to great distances, where it is convenient to make the article under the supervision of the excise. Even where the officers visit the works once a day, the inconvenience and loss to the operative at work are ever recurring. They are bound to lay their moulded clay down on certain spaces, and on those only, from which they must not remove the pieces until account has been taken of them for duty. Nor must they lay more on those given spaces than the officer allows: if full, they must stop work. If rain falls, and reduces the moulded clay to mud, or otherwise disfigures it, so as to be unfit to be sent to the kiln for burning, the duty must be paid, though the clay be returned to the pit, to be again worked up for the moulder. The lost labour falls to the operative brickmakers, while their employers lose the duty. Those accidents from weather

would seldom occur if the makers were allowed to remove their bricks at any time, or lay them in any place.

In every respect the brick duty is an unqualified evil. It obstructs the operations of an important branch of industry, and ends by endangering human life in habitations to which is denied the application of a sound constructive science.

#### CHURCHES AND SCHOOLS.

WAVENDON CHURCH was consecrated on Tuesday week. The whole body of the edifice has been rebuilt, except the tower. The restoration, as it is called, was made from plans by Mr. Butterfield, architect. The walls are of limestone, with dressings of Caen stone. The roofs of the nave and aisles are covered with lead. The whole is in the decorated style, and consists of nave, aisles, and chancel, with vestry, &c. The old tower remains. The west window, a gift of Mr. H. C. Hoare, is filled with stained glass, and is seen through the open tower arch in the interior, from the opposite end of the church. The east window is a decorated one, with four lights, and according to the *Bedford Times*, is a gift by Miss Prince, as another, on the north is, by Miss Hoare. The chancel ceiling is painted blue, with gold stars, and the windows are all of stained glass. The gates of the chancel screen, a low one of stone, are of metal, with ornamental workmanship in burnished brass and colours. There are no pews in the church. The open benches have carved oak ends. The whole floor is paved with black and red tiles, encaustic with patterns in the chancel.—A committee has been appointed to obtain estimates and subscriptions for the reupholstering of St. Edward's Church, Cambridge.—Some workmen employed in repairing the interior of Chelworth Church, near Biddlestone, have discovered a painting, in good preservation, over the chancel arch. It represents the Day of Judgment. The church formerly belonged to the abbey of Bury St. Edmund's.—The chancel of Little Wilbraham Church has been restored by the rector. A new east window, decorated, has been added. The parishioners are restoring the south aisle windows, and nave roof, &c. Opposite this church new schools and teacher's dwellings are in course of erection.—Baldsham Church is under repair and restoration.—All Saints, Maidstone, has been reopened, after having undergone some long-talked-of alterations and restorations. Cumbersome galleries have been removed, and pews of all sorts replaced by open benches, with carved oak poppy heads. The works have been done under the architectural superintendence of Mr. Carpenter, and by contract with Mr. Cobb, builder. The removal of the galleries has, it is said, improved the transmission of sound and the hearing throughout the church.—A new school and teachers' dwellings have been founded at Nettleton, Wilts, on a plan furnished by Mr. Salway, of Chippenham, architect; mason, Mr. J. Brookman.—Some further repairs or improvements have been made at Axtley Church, under the superintendence of Mr. Dodson, of Worcester.—Llan-Gasty-Tal-Y-Llyn Church, Brecon, has been restored by Mr. Prayson, of London, architect. The tower has been raised 12 feet, and the great banner of the cross now floats from its summit. The interior space under the tower has been laid open with its lofty arch to the nave, and provided with open seats. The roofs are open, showing woodwork in the Early English style of the building. The whole area of the church is paved with encaustic tiles. The chancel windows are filled with stained glass, by Wallis. The font, a large one, is of Bath stone, carved. The south porch door is of oak, massive, with floriated ironwork.—To complete the erection of St. Thomas's, Wigan, Mr. H. Gaskell has given the munificent sum of a thousand guineas.—The foundation stone of St. Luke's Free Church was laid in Great Hamilton-street, Glasgow, on Monday week. It is to accommodate 800. Mr. Wylton is the architect. The edifice is to be in the Pointed style, with tower at the south-east corner.—St. Ninian's Cathedral (Episcopal), at Perth, was to be formally founded on the 15th inst., by the laying of the chief stone.

\* The conservatory was erected on a brick foundation 16 inches deep, attached to the wall of the dwelling-house by cast-iron let 9 inches into the wall, connected with the partition chimney by a flue, and having two windows in common with the dwelling-house, and to a pinery erected in the garden, on a brick wall 4 feet deep.